

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA,	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO.
	§	
\$27,855.00 IN U.S. CURRENCY,	§	
Defendant.	§	

VERIFIED COMPLAINT FOR FORFEITURE IN REM

United States of America, Plaintiff, files this action for forfeiture against \$27,855.00 in United States currency.

Nature of the Action

1. This civil action in rem is being brought to enforce the civil forfeiture statute of 31 U.S.C. §5317(c)(2) which provides for the civil forfeiture of any property involved in a violation of 31 U.S.C. § 5316. Under 31 U.S.C.A. § 5316(a)(1)(B), it is a crime for a person not to report that they are about to transport more than \$10,000 in United States currency into the United States. The United States currency involved in a violation of 31 U.S.C. §5316 is subject to civil forfeiture under 31 U.S.C. §5317(c)(2).

Jurisdiction and Venue

2. This Court has jurisdiction pursuant to 28 U.S.C. §1355 because this is an

action for forfeiture under 31 U.S.C. §5317(c)(2), an Act of Congress.

3. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1355 and 1395 (a) and (b) because the acts or omissions giving rise to the forfeiture occurred in the Southern District of Texas, the property was found and is located in the Southern District of Texas, and this forfeiture action accrued in the Southern District of Texas.

Defendant in Rem

4. Defendant in rem is \$27,855.00 in United States currency that was seized at the George Bush Intercontinental Airport in Houston, Texas, from Augustine Emeka Ozokwelu on August 31, 2007.

Facts

5. On August 31, 2007, at George Bush Intercontinental Airport, Houston, Texas, Augustine Emeka Ozokwelu arrived into the United States on Continental Airlines flight #005 from Nigeria via London. Upon his arrival, Mr. Ozokwelu stated on a Customs Declaration form that he was not carrying more than \$10,000 in U.S. currency. During a routine custom's border inspection by a Customs and Border Protection Officer, (Officer), Mr. Ozokwelu also told the Officer that he was not carrying more than \$10,000 in U.S. currency. The Officer, however, inspected Mr. Ozokwelu's luggage and found approximately \$27,855.00 in U.S.

currency.

Relief Requested

6. The \$27,855.00 in U. S. currency was involved in a violation of 31 U.S.C. §5316 and is subject to civil forfeiture under 31 U.S.C. §5317(c)(2).

7. Therefore, Plaintiff requests:

- a. Arrest Warrants and summons, citing all persons having an interest in the defendant property to appear on the return day of process by filing a claim and answer pursuant to Rule G(5), Supplemental Rules for Certain Admiralty and Maritime Claims, or as ordered by this Court,
- b. A judgment of forfeiture, and
- c. Costs and other relief to which the Plaintiff may be entitled.

Respectfully submitted,


Donald J. DeGabrielle
United States Attorney

By: /s/ Albert Ratliff
Albert Ratliff
Attorney-in-Charge
NY Bar No. 1073907
SDTX Bar No. 6764
Assistant United States Attorney

United States Attorney's Office
P. O. Box 61129
Houston, Texas 77208
Office (713) 567-9579
Fax (713) 718-3300

VERIFICATION

I, John A. Torres, Special Agent, Office of Investigations, United States Immigration and Customs Enforcement, declare under penalty of perjury as provided by 28 U.S.C. §1746 that I have read this Verified Complaint for Forfeiture in Rem, and that the facts stated in the complaint are based upon my personal knowledge or from information obtained in the course of my investigation and are true and correct to the best of my knowledge and belief. Executed on September 20, 2007.



John A. Torres, Special Agent
Office of Investigations
U. S. Immigration and Customs Enforcement